

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

CLINT WILLIAMS,

Case No. 3:23-cv-01174-MC

Plaintiff,

ORDER

v.

MULTNOMAH COUNTY MEDICAL DEPT;
ABBY, RN LEAD NURSE; LESLIE, RN
& PROGRAM MANAGER II;

Defendants.

MCSHANE, District Judge.

Plaintiff, an adult in custody at Multnomah County Inverness Jail, filed suit pursuant to 42 U.S.C. § 1983 and alleged that Defendants failed to provide adequate medical care in violation of his rights under the Fourteenth Amendment. Plaintiff's allegations were deficient in several respects, and he was allowed the opportunity to amend his Complaint. Plaintiff timely filed an Amended Complaint, and his allegations remain deficient.

Plaintiff alleges that Defendants failed to provide him with reading glasses, dentures, and adequate pain medication for a hernia. As Plaintiff was advised previously, an objective standard applies to constitutional claims of inadequate medical care brought by pretrial detainees under the Fourteenth Amendment. *Gordon v. County of Orange*, 888 F.3d 1118, 1124-25 (9th Cir. 2018). Under this standard, Plaintiff must allege facts plausibly showing that:

(1) The defendant made an intentional decision with respect to the conditions under which the plaintiff was confined [including a decision with respect to medical treatment]; (2) Those conditions put the plaintiff at substantial risk of suffering serious harm; (3) The defendant did not take reasonable available measures to abate that risk, even though a reasonable official in the circumstances would have appreciated the high degree of risk involved – making the consequences of the defendant’s conduct obvious; and (4) By not taking such measures, the defendant caused the plaintiff’s injuries.

Id. at 1125; *see also Sandoval v. Cty. of San Diego*, 985 F.3d 657, 669 (9th Cir.), *cert. denied*, 142 S. Ct. 711 (2021). To satisfy the third element, Plaintiff must show that Defendants’ actions were “objectively unreasonable,” which requires a showing of “more than negligence but less than subjective intent – something akin to reckless disregard.” *Gordon*, 888 F.3d at 1125. (citations omitted).

Plaintiff does not describe the severity of his vision or dental impairments or explain how those impairments affect his daily activities. *See, e.g., Hunt v. Dental Dep’t*, 865 F.2d 198, 200 (9th Cir. 1989) (reversing summary judgment when prison officials allegedly were aware that the loss of plaintiff’s dentures caused severe pain, bleeding gums, and the inability to eat and failed to take action to relieve his pain or to prescribe a soft food diet). Plaintiff is advised that generally, “the need for reading glasses does not constitute a serious medical need.” *Cohen v. Los Angeles Cty.*, 2023 WL 5504940, at *15 (C.D. Cal. July 13, 2023). Further, Plaintiff does not allege facts showing that the named Defendants’ actions or responses to his requests placed him at a substantial risk of harm. At most, Plaintiff alleges negligence.

Plaintiff is granted leave to file a Second Amended Complaint on the form provided by the Court. Plaintiff must tell the Court: (1) the constitutional right Plaintiff believes was violated; (2) the name of the person who violated the right, if known; (3) exactly what the individual did or failed to do; (4) how the action or inaction of the individual caused the violation of Plaintiff's constitutional rights; and (5) what specific injury Plaintiff suffered because of the individual's conduct.

CONCLUSION

Within thirty days from the date of this Order, Plaintiff may file a Second Amended Complaint curing the deficiencies noted above. Plaintiff is advised that the failure to do so will result in the dismissal of this proceeding, with prejudice.

The Clerk of the Court is directed to provide Plaintiff a form Civil Rights Complaint with this Order.

IT IS SO ORDERED.

DATED this 30th day of October, 2023.

s/ Michael J. McShane
MICHAEL J. MCSHANE
United States District Judge